

REMARKS

Restriction and Election Requirements

The applicant elects with traverse claims 1-25.

The examiner has alleged that restriction under 35 U.S.C. 121 is required, because the invention of claims 1-25 is distinct from the invention of claims 26 and 27. The examiner alleges that MPEP 806.05(h) applies in this situation, because the process in claims 26 and 27 can be practiced with another materially different product, and provides the example of using a completely solid barrel.

Applicant respectfully disagrees. The applicant has amended claim 26 to even more clearly recite that the method claimed requires the provision of a gun barrel according to claim 1. MPEP 806.05(h) requires that the process as claimed can be practiced by another materially different product. Claims 26 and 27 include the limitation that the first step in the method claimed requires the provision of a gun barrel of claim 1. Therefore, the method as claimed could not be practiced with a completely solid gun barrel as the examiner alleges, because the provision of a completely solid gun barrel does not satisfy the first step of the claimed invention.

The applicant further elects with traverse the species shown in Figures 1A, 1B and 2. Claims 1-20, 24 and 25 read on this species.

The examiner has required the applicant to elect a species selected from:

- (a) Figures 1A, 1B and 2
- (b) Figure 3
- (c) Figure 4
- (d) Figures 5A and 5B
- (e) Figure 6

(f) Figure 7

The examiner alleges that no claim appears to be generic. The applicant submits that claim 1 is a generic claim that encompasses the species shown in Figures 1A, 1B, 2, 3, 4, 5A, 5B and 7. The species shown in Figures 1A, 1B, 2, 3, 4, 5A, 5B and 7 require every limitation of claim 1.

Conclusions

In light of the arguments presented by applicant herein, the applicant requests that the restriction and election requirements be withdrawn.

Favourable consideration is hereby requested.

Respectfully submitted



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